

12-27-01 A

12/18/01

J1135 U.S.

P

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

UTILITY
PATENT APPLICATION
TRANSMITTAL

Only for new nonprovisional applications under 37 CFR 1.53(b)

Attorney Docket No. VIXS 033

First Inventor Jame Girardeau

Title METHOD AND APPARATUS FOR ESTABLISHING

Express Mail Label No.

EV053321673US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

1. Fee Transmittal Form (e.g. PTO/SB/17)(submit an original and a duplicate for fee processing)
2. Applicant claims small entity status.

See 37 CFR 1.27.

3. Specification [Total Pages 32]

(preferred arrangement set forth below)

- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R&D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4. Drawing(s) (35 U.S.C. 113) [Total Pages 4]

5. Oath or Declaration [Total Pages 3]

a. Newly executed (original or copy)
b. Copy from a prior application (37 CFR 1.63 (d))
 (for continuation/divisional with Box 18 completed)i. DELETION OF INVENTOR(S)

Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6. Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 202317. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)a. Computer Readable Form (CRF)

b. Specification Sequence Listing on:

i. CD-ROM or CD-R (2 copies); orii. paperc. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & documents(s))10. 37 CFR 3.73(b) Statement
(when there is an assignee) Power of Attorney11. English Translation Document (if applicable)12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations13. Preliminary Amendment14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)15. Certified Copy of Priority Document(s)16. (if foreign priority is claimed)
Request and Certification under 35 U.S.C. 12217. (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP) of prior application No: _____

Prior application information: Examiner: _____

Group Art Unit: _____

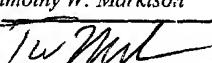
For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

 Customer Number or Bar Code Label _____ or Correspondence address below

Name	Timothy W. Markison				
Address	P.O. Box 160727				
City	Austin	State	TX	Zip Code	78716-0727
Country	USA	Telephone	(512) 342-0612	FAX	(512) 342-1674

Name (Print/Type) Timothy W. Markison Registration No. (Atty/Agent) 33,534

Signature  Date 12/07/01J1011 U.S. PTO
10/02/01

12/18/01

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) \$533.00

Complete if Known

Application Number		
Filing Date		
First Named Inventor	James	Girardeau
Examiner Name		
Group Art Unit		
Atty Docket No.	VIXS 033	

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 50-1835
Deposit Account Name

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Fee Description	Fee Paid
Utility filing fee	370.00
Design filing fee	
Plant filing fee	
Reissue filing fee	
Provisional filing fee	
SUBTOTAL(1)	(\$) \$370.00

2. EXTRA CLAIM FEES

Fee From Below

	Extra Claims	Fee Paid
Total Claims	29 -20** 9 X 9 =	81.00
Independent Claims	4 -3** 1 X 42 =	42.00
Multiple Dependent		

Fee Description

Claims in excess of 20
Independent claims in excess of 3
**Reissue independent claims over original patent
**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) **(\$) 123.00**

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3.. ADDITIONAL FEES

Fee Description	
Surcharge-late filing fee or oath	
Surcharge- late provisional filing fee or or cover sheet	
Non-english specifications	
For filing a request for ex parte reexamination	
Requesting publication of SIR prior to Examiner action	
Requesting publication of SIR after Examiner action	
Extension for reply within first month	
Extension for reply within second month	
Extension for reply within third month	
Extension for reply within fourth month	
Extension for reply within fifth month	
Notice of Appeal	
Filing a brief in support of appeal	
Request for oral hearing	
Petition to institute a public use proceeding	
Petition to revive - unavoidable	
Petition to revive unintentional	
Utility Issue Fee (or reissue)	
Design Issue Fee	
Plant Issue Fee	
Petitions to the Commissioner	
Processing fee under 37 CFR 1.17(q)	
Submissions of Information Disclosure Stmt	
Recording each patent assignment per property (times number of properties)	\$40.00
Filing a submission after final rejection (37 CFR 1.129(a))	
For each additional invention to be examined (37 CFR 1.129(b))	
Request for Continued Examination (RCE)	
Request for expedited Examination of design applicat	
Other fee (specify)	
Reduced by Basic Filing Fee Paid	SUBTOTAL (3) \$40.00

SUBMITTED BY

Complete (if applicable)

Name (Print Type)	Timothy W. Markison	Registration No. (Attorney Agent)	33,534	Telephone	(512) 342-0612
Signature	<i>TW M</i>			Date	12/17/01

SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor		James Girardeau
Title	METHOD AND APPARATUS FOR ESTABLISHING NON-STANDARD DATA RATES IN A WIRELESS	
Atty Docket Number	VIXS 033	

I hereby certify that the invention disclosed in the attached application **has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing**. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

12/17/01

Date



Signature

Timothy W. Markison

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**